

Date

Ms. Rebecca Sanders
142 Miller Road
DeQuincy, Louisiana 70633

Re: Ethics Board Docket No. 2021-585

Dear Ms. Sanders:

The Louisiana Board of Ethics, at its August 6, 2021 meeting, considered your request for an advisory opinion regarding whether you, a certified teacher for the Calcasieu Parish School Board, may be promoted to an administrative position while your father, Alvin Smith, serves as a member of the school board.

FACTS PROVIDED

You stated that you are currently employed as a certified teacher for the Calcasieu Parish School Board. Your father, Alvin Smith, serves as a member of the school board. You stated that you have not been employed for at least one year prior to your father becoming a member of the school board. You stated that you are seeking to be promoted to an administrative position, including the position of Title One Coordinator or Curriculum Coordinator. You also are seeking an opinion as to whether the location of the school relative to the district which your father represents as a member of the school board will affect your ability to be promoted to an administrative position.

LAWS

La. R.S. 42:1119B provides no member of the immediate family of a member of a governing authority or the chief executive of a governmental entity shall be employed by the governmental entity.

La. R.S. 42:1119B(2)(a)(i) permits the school board to employ an immediate family member of a school board member and the superintendent, provided the family member is certified to teach and teaching in a classroom.

La. R.S. 42:1119B(2)(v) An immediate family member of a member of a local school board or of a superintendent who is employed pursuant to Item (i) of this Subparagraph may be promoted to an administrative position by such school board provided that such family member has the appropriate qualifications and certifications for such position. A school board member whose immediate family member is to be promoted to an administrative position pursuant to this Item shall recuse himself from any action involving the promotion or assignment of job location of such employee, and a superintendent whose immediate family member is to be promoted to an administrative position shall disqualify himself from any action involving the promotion or assignment of job location of such employee. For purposes of this Item, the term "certifications" shall not include any temporary or provisional certification or certifications.

La. R.S. 42:1119C(2) provides that the provisions of this Section shall not prohibit the continued employment of any public employee nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee where a member of public employee's immediate family becomes the agency head of such public employee's agency, provided that such public employee has been employed in the agency for a period of at least one year prior to the member of the public employee's immediate family becoming the agency head.

CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1119B(2)(v) of the Louisiana Code of Governmental Ethics would not prohibit your promotion within the Calcasieu Parish School System to any administrative position while your father, Alvin Smith, serves as a member of the Calcasieu Parish School Board since you are currently employed as a certified teacher and as long as you possess the qualifications and certifications required for such position. Further, La. R.S. 42:1119B(2)(v) does not contain any condition that you must be employed for a certain period of time as a certified teacher prior to being eligible for a promotion to an administrative position. And, La. R.S. 42:1119B(2)(v) does not contain any condition that the administrative position be located outside the district which your father represents as a member of the school board.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct, and that the Board's expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy M. Barker
Deputy General Counsel
For the Board